

### **REMARKS**

This responds to the Office Action mailed on August 5, 2008.

Claims 1, 14 and 25 are amended, no claims are canceled or added; as a result, claims 1-37 remain pending in this application.

#### **§103 Rejection of the Claims**

Claims 1-3, 5-10, 13-15, 18-27, 29-34, and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flake et al. (U.S. Patent No. 5,832,451; hereinafter "Flake") in view of Gardner et al. (U.S. Publication No. 2002/0178034; hereinafter "Gardner"). The determination of obviousness under 35 U.S.C. § 103 is a legal conclusion based on factual evidence. *See Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.*, 411 F.3d 1332, 1336-37 (Fed.Cir. 2005). The legal conclusion that a claim is obvious within § 103(a) depends on at least four underlying factual issues set forth in *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17, 86 S.Ct. 684, 15 L.Ed.2d 545 (1966). The underlying factual issues set forth in *Graham* are as follows: (1) the scope and content of the prior art; (2) differences between the prior art and the claims at issue; (3) the level of ordinary skill in the pertinent art; and (4) evaluation of any relevant secondary considerations.

The Examiner has the burden under 35 U.S.C. § 103 to establish a *prima facie* case of obviousness. *In re Fine*, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir.1988). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested, by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) ; M.P.E.P. § 2143.03. "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); M.P.E.P. § 2143.03. As part of establishing a *prima facie* case of obviousness, the Examiner's analysis must show that some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead an individual to combine the relevant teaching of the references. *Id.* To facilitate review, this analysis should be made explicit. *KSR Int'l v. Teleflex Inc., et al.*, 127 S.Ct. 1727; 167 L.Ed 2d 705; 82 USPQ2d 1385

(2007) (citing *In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)). Applicant respectfully submits that claims

For example, claim 1 as amended recites “receiving data for a plurality of travelers from a client system to insert into a traveler database having traveler information for the plurality of travelers.” Claim 25 as amended recites the same language. The Office Action states that Flake, at column 3, lines 46-52; column 8, lines 33-36; and Figure 1 discloses “receiving data from a client system to insert into a traveler database having traveler information for a plurality of travelers.” Applicant notes that claims 1 and 25 have been amended to clarify that data for a plurality of travelers is received from a client system for insertion into a traveler database, thereby providing for a bulk transmission of database data from one database to another. In contrast, Flake discloses receiving a communication such as a telephone call, fax or email from a customer, and then manually entering data by an agent. Flake does not disclose receiving data for a plurality of travelers.

Further, claims 1, 14 and 25 recite “associating in the traveler database a subset of the plurality of travelers with a travel arranger.” The Office Action correctly states that Flake does not disclose the recited language. However, the Office Action goes on to state that Gardner, at paragraphs [0082] and [0085] discloses the recited language, stating that “Gardner et al further discloses allowing a travel planner to retrieve a travel profile for a second or subsequent traveler (i.e. a traveler associated with a travel planner.” Applicant notes that the operation of Gardner is different from that recited in claims 1, 14 and 25. In Gardner, a travel arranger logs into the system to access data for the travelers in the system and can act on either there own behalf or make arrangements for others in the database (see e.g., paragraphs [0072] and [0084]). However, Gardner does not disclose maintaining in a database associations with subsets of travelers with particular travel arranger. Such an association allows the system to provide efficient display of data for the travel arranger by limiting the display to travelers associated with the travel arranger. This concept is recited in claim 1, 14 and 25: “displaying a user interface providing the subset of the plurality of travelers associated with the travel arranger” and is also not disclosed by either Flake or Gardner.

In view of the above, claims 1, 14 and 25 recite multiple elements not found in the combination of Flake and Gardner. As a result, there are significant differences between claims

1, 14 and 25 and Flake and Gardner. Thus claims 1, 14 and 25 are not obvious in view of the combination of Flake and Gardner.

Claims 2-3, 5-10 and 13 depend either directly or indirectly from claim 1; claims 15 and 18-24 depend either directly or indirectly from claim 14; and claims 26-27, 29-34 and 37 depend either directly or indirectly from claim 25. These dependent claims are patentable over Flake and Gardner for the reasons argued above, and are also patentable in view of the additional elements which they provide to the patentable combination. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is also nonobvious. MPEP § 2143.03.

Claims 4 and 28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flake in view of Gardner as applied to claim 1 above, and further in view of Bull et al. (U.S. Patent No. 5,995,943; hereinafter “Bull”).

Claims 11 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flake in view of Gardner as applied to claim 1 above, and further in view of Iyengar et al. (U.S. Patent No. 6,360,205). Applicant believes that claim 35 and not claim 36 was intended to be included in this rejection.

Claims 12 and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flake in view of Gardner as applied to claim 1 above, and further in view of Harris et al. (U.S. Publication No. 2002/0108109; hereinafter “Harris”).

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Flake in view of Gardner as applied to claim 1 above, and further in view of Lynch et al. (U.S. Patent No. 6,119,094; hereinafter “Lynch”).

Each of claims 4, 11, 12, 16, 17, 28, and 35-36 depend either directly or indirectly from claims 1, 14 or 25. Thus these dependent claims inherit the elements of the respective base claims, including elements discussed above related to associating a travel arranger with a subset of travelers in a traveler database, and providing a user interface displaying the subset of travelers upon identifying a travel arranger making a travel request. As discussed above, Flake and Gardner fail to teach or suggest the above-mentioned elements. In addition, Applicant has carefully reviewed Bull, Iyengar, Harris and Lynch and can find no teaching or suggestion of associating a travel arranger with a subset of a plurality of travelers in a database and providing a

user interface displaying the subset, or receiving a selection of a traveler from the displayed subset. As a result, the combination of Flake and Gardner with any of , Iyengar, Harris and Lynch does not teach or suggest each and every element of claims 4, 11, 12, 16, 17, 28, and 35-36. Applicant respectfully requests reconsideration and the withdrawal of the rejection of claims 4, 11, 12, 16, 17, 28, and 35-36.

Additionally, the Office Action, in rejecting claims 4, 11, 12, 16, 17, 28 and 35-36 makes the statement that the combination used would be obvious “since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.” Applicant notes that the Federal Circuit has stated: “Virtually all inventions are combinations of old elements. . . . If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention.” *Yamanouchi Pharmaceutical Co. v. Danbury Pharmacal Inc.*, 56 U.S.P.Q.2d 1641, 1644 (Fed. Cir. 2000), quoting *In re Rouffet*, 149 F.3d 1350, 1357-1358, 47 U.S.P.Q.2d 1453, 1457 (Fed. Cir. 1998).

#### Reservation of Rights

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action, however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner’s personal knowledge, rather than any objective evidence of record as

manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

### **CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6954 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6954

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By



Rodney L. Lacy  
Reg. No. 41,136

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 5, 2008.

Rodney L. Lacy

Name

  
Signature